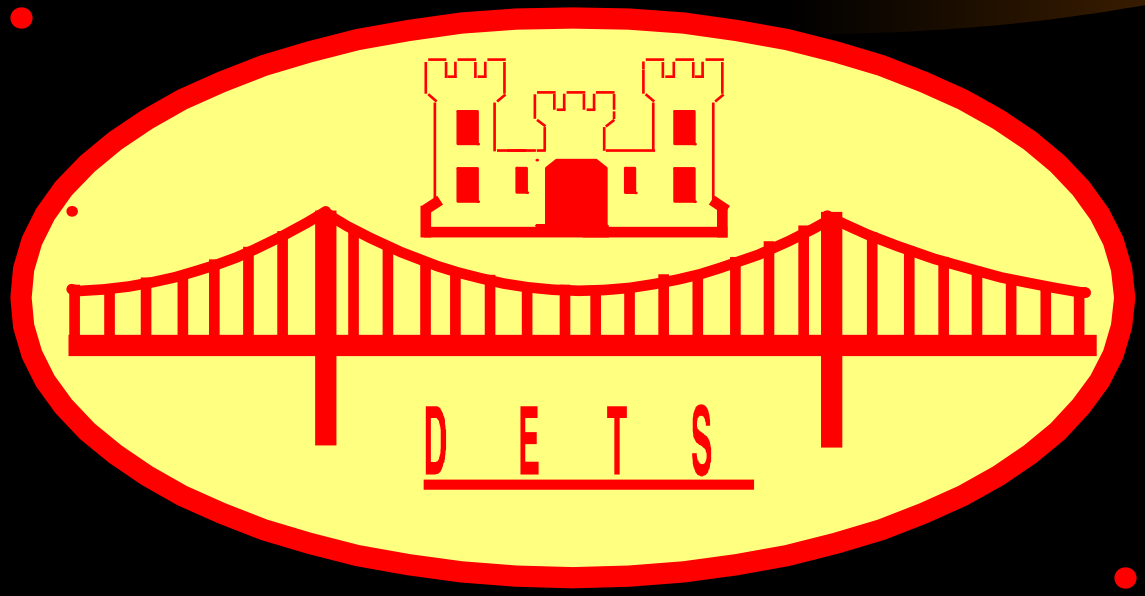
Post-Authorization Decision Documents



Planning
South Pacific Division

References

- ER 1105-2-100 – Appendix G
- CECW-ZA Memorandum, dated 24 March 1999, subject: Delegation of Approval Authority for Post-Authorization Decision Documents
- CESPD-ET-P Memorandum, dated 30 April 1999, subject: Guidance for Post-Authorization Decision Documents

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents

Authorized Project

A project that has been specifically authorized by Congress for construction.

Approval Authority for Changes

The discretionary authority to make post-authorization changes without seeking further Congressional authority is restricted to circumstances where the scope, area to be served, purpose, function or plan of improvement of the project is not materially altered.

Changes in authorized projects may be made without Congressional permission if the changes are required either by

Approval Authority for Changes

The approval authority depends on the type and magnitude of a change.

- District Commander
- Division Commander
- Chief of Engineers or Secretary of the Army
- Reauthorization by Congress

Approval Authority of the District Commander

Changes delegated to the District Commander must meet all of the following criteria:

- Cost increase no greater than 20% (Section 902 Limit).
- Increase or decrease in scope of a parameter no greater than 20%.
- Insignificant changes in environmental impacts (no EIS or SEIS required).
- Does not add or delete a project purpose.

Approval Authority of the Division Commander

Changes delegated to the Division Commander must meet the following criteria:

- Change would be within the Chief of Engineer's discretionary authority.
  - Does not require authorization by Congress.
- The Federal Share of the total project cost is no greater than $15 million.

Approval Authority of the Commander USACE

Changes delegated to the Commander HQUSACE meet the following criteria:

- Change does not require authorization by Congress.
- The Federal Share of the total project cost may be greater than $15 million.

Changes Requiring Authorization by Congress

- Addition or deletion of a project purpose (other than general authorities).
- Acquisition of lands by condemnation for F&W mitigation for some projects.
- Change in local cooperation requirements specifically referenced in authorizing language.
- Exceedance of Federal cost limit for Section 201 project.
- Deepening of navigation channels
- Cost increase greater than 20% (Section 902 Limit).

Approval Authority for Changes

- Congress may specifically provide the requirement that the change be approved by either the Secretary of the Army or Chief of Engineers.
- Doubtful or controversial cases should be raised for a determination of proper approval authority. This is especially true of changes in real estate scope.
- District and Division approval authorities are limited to documents that are consistent with statutory and policy guidance.

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents

Decision Documents for Post-Authorization Changes

- No Change from Feasibility Report
  - Economic update on a three year cycle
- Limited Changes from Feasibility Report
  - Anything within the District Commander's authority
- Project Exceeds Maximum Cost Limit
  - Requires Congressional reauthorization
- Significant Changes from Feasibility Report
  - Requires Division or Washington-level approval

What's in a name?

Post-Authorization Decision Document

Special Report

LRR

Letter Report

General Design Memorandum

GRR

EDR

Decision Document

Post-Authorization Change Report

Limited Reevaluation Report

GDM

General Reevaluation Report

PAC

Engineering Documentation Report

What's in a name?

- If change is within District Commander's authority:
  - Post-Authorization Decision Document
  - Limited Reevaluation Report (Except for Section 902)
  - Engineering Documentation Report
- If change must be approved at a higher level:
  - Post-Authorization Decision Document
  - General Reevaluation Report
  - Limited Reevaluation Report for Section 902

It does not matter if the change is from a design refinement or reformulation

Level of Detail

- There has been an apparent misconception that different types of post-authorization decision documents require different levels of detail.
- Any post-authorization decision document must bring the changes up to a level of detail that this is similar to the feasibility report (with engineering appendix, NEPA document and M-CACES cost estimate).
- If the changes are limited, limited effort is required.
- If the changes are major, then more effort is required.

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents

Congressionally Added Actions

- Congress authorizes project but does not provide funds or project scope.
  - If a positive funding decision is not expected (low budget priority) then no action will be taken.
  - If a positive funding decision is expected then a post-authorization decision document with an engineering appendix and NEPA document can be budgeted.

Congressionally Added Actions

- Congress authorizes project and provides General Investigation funds.
  - Post-authorization decision document with an engineering appendix and NEPA documentation is prepared.
  - Defines and designs the project through the normal plan formulation and design process.
  - Provides information that will support continued funding through the normal Executive Branch budget process.
  - Used to support the PCA.

Congressionally Added Actions

- Congress authorizes existing specific plan and provides CG funds and directive language.
  - Post-authorization decision document is prepared that assesses the technical adequacy, cost estimate and NEPA compliance of the plan.
  - Used to support the PCA.

Approval Authority for Congressionally Added Actions

- If additional Congressional authority is not required, the approval is similar to other post-authorization decision documents:
  - District Commander
    - Federal Share less than $15 million
    - EIS is not required
  - Division Commander
    - Federal Share less than $15 million
  - Washington Level
    - Federal share greater than $15 million

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents

Post-Authorization Change Report

- PAC is a 5-10 page summary that can serve as the executive summary of the decision document.
- PAC provides a good checklist for the contents of a decision document.
- PAC is required for projects requiring reauthorization.

Post-Authorization Change Report Outline

- Description of Authorized Project
- Authorization
- Funding Since Authorization
- Changes in Scope of Authorized Project
- Changes in Project Purpose
- Changes in Local Cooperation Requirements
- Change in Location of Project
- Design Changes
- Changes in Total Project First Costs
- Changes in Project Benefits
- Benefit-Cost Ratio
- Changes in Cost Allocation
- Changes in Cost Apportionment
- Environmental Considerations in Recommended Changes
- Public Involvement
- History of Project

Post-Authorization Decision Document Contents

- Fully describe the scope and economic justification
- Describe all changes and provide rationale
- Addresses unusual technical or policy aspects
- Federal and non-Federal allocation of costs
- Certify compliance with NEPA and other Federal statue
- Provide M-CACES cost estimate and evidence of VE stu
- Reaffirm sponsor’s financial willingness and capability
- Incorporate outstanding actions required in PED
- Incorporate all real estate requirements

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents

Post-Authorization Review

- Starts when the need for a change to an authorized project is identified.
- Accomplished in accordance with a Project Management Plan for the review – previously referred to as a Project Study Plan (PSP).
- For Documents that will be submitted to CESPD or HQUSACE a summary will be forwarded for approval - following the general outline of a Section 905(b) Analysis.
- The PMP for the review will be certified by the Chief of Planning and approved by the District PRB.

Interim Milestone Conferences

- Post-authorization reviews will generally follow the CESPD milestone requirements for feasibility studies
- One or both of the two CESPD mandated milestone conferences may be waived -depending on the extent of reformulation that is required.

Interim Milestone Conferences

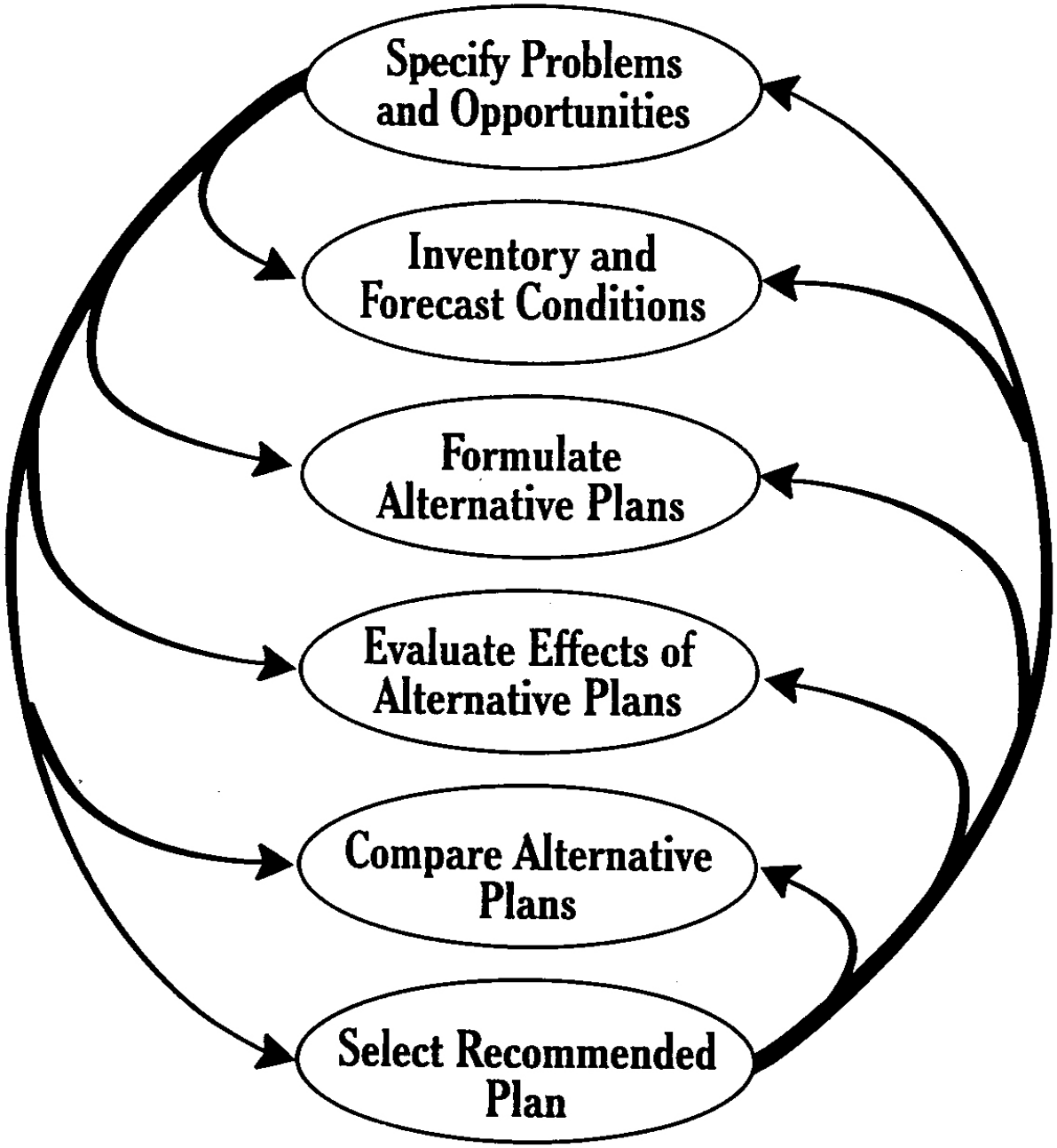
Areas of Emphasis Include:

- Review of the PMP
- Review of Guidance Memorandums
- Establishment of Critical Assumptions
- Definition of issues for policy resolution

Interim Milestone Conferences

- Chaired by the District Planning Chief
- Interim study results presented by the Study Team
- Results of Review presented by Review Team Leader
- Includes Local Sponsor and SPD Participation
- Conference Memorandum signed by District Planning Chief
- Part of SPD’s Performance Measurement System

PLANNING PROCESS



Conference Number 1

- The milestone will mark the consensus on the without project condition.
- The milestone will also mark the completion of the screening of preliminary plans and shall conclude with a consensus on the plans that will be considered in the final array of alternatives

Conference Number 2

- This conference shall mark the completion of the evaluation of the final array of plans.
- The conference shall concentrate on the identification of policy issues.

District Engineer's Report

- Decision Document with NEPA Document
- Real Estate Plan
- Compliance Memorandum
- Technical and Legal Review Certification
- Draft Public notice and Draft Chief's Report, as required

CESPD Approval

- Draft and Final Reports will undergo a 2-week pre-release review.
- Policy compliance review will be completed within 30 days.
- ROD is signed by the Division Commander - the decision maker with the authority to approve the report.

Issue Resolution Conference

To seek Washington level commitment to the project in order to minimize the potential for significant modification of the remaining studies and the post-authorization decision document recommendations after the report is submitted for Washington-level review

Similar to an Alternative Formulation Bri

HQUSACE Review Process

- The IRC will result in permission to complete and release the draft decision document for public review.
- Compliance memorandum from the IRC will accompany submittal of the draft report.
- Detailed policy review of the report will occur concurrent with public review.
- The IRC to address HQUSACE comments on the draft report may be waived.

Washington-Level Processing

- If additional Congressional authorization is required, the feasibility report process is used.
- Division Commander's Report endorses District Commander's Report to HQUSACE.
- CESPD files the final EIS/SEIS.
- Policy Review Branch prepares a policy review assessment.
- In those cases where a feasibility report has not been approved by ASA(CW) or OMB, the project may also have to be approved by OMB

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents

Implementation Documents

- Design Documentation Reports
- Engineering Documentation Reports
- Plans and Specs
- Water Control Manuals
- Design Memorandums

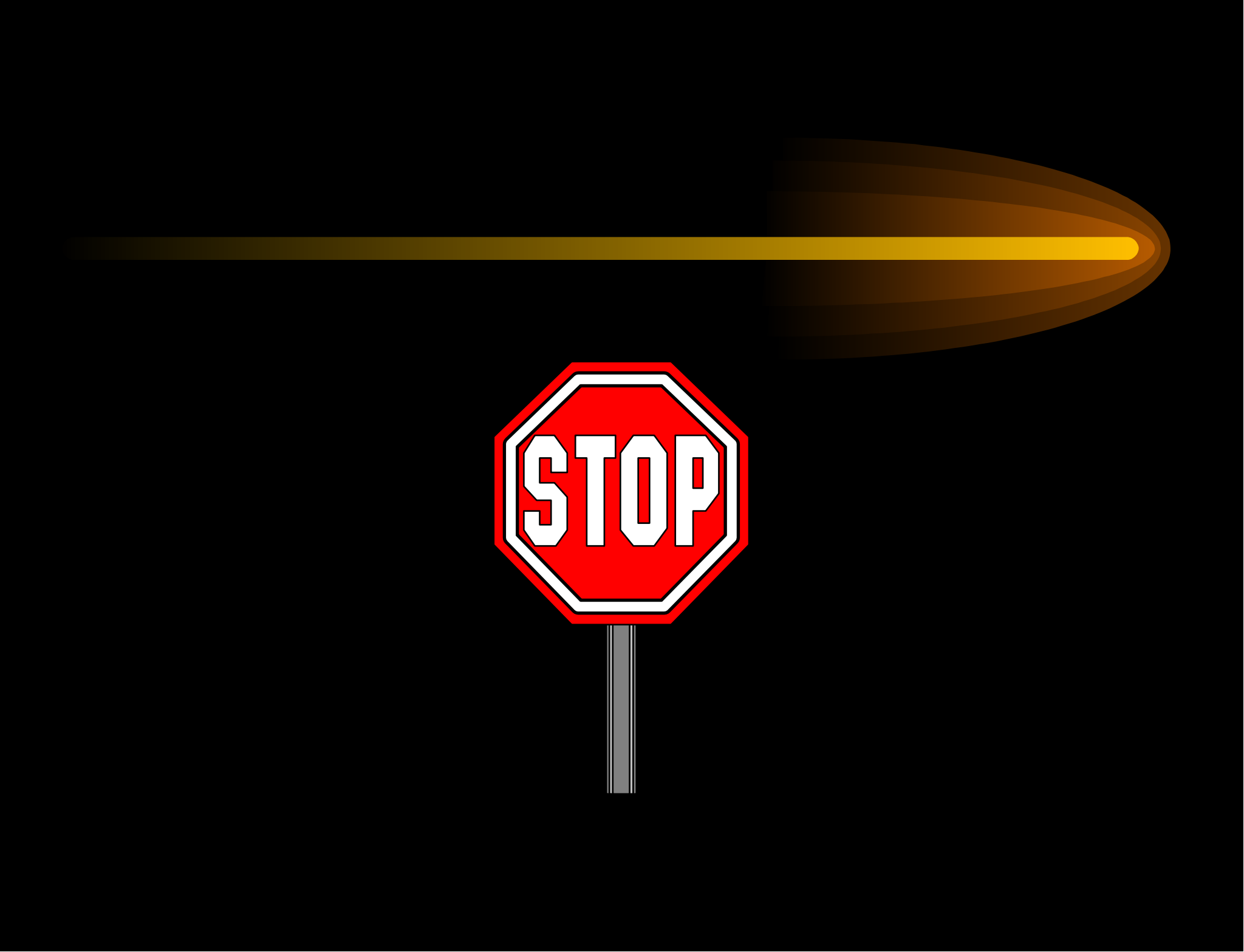
Decision and Implementation Documents

In General:

- Decision documents are normally certified for quality by the Chief, Planning Division.
- Implementation documents are normally certified for quality by the Chief, Engineering Division.
- Decision documents are approved either by the District, Division, HQUSACE or Congress.
- Implementation documents are normally approved by the District Commander.

Learning Objectives

- Approval Authority for Changes
- Decision Documents for Post-Authorization Changes
- Decision Documents for Congressionally Added Actions
- Requirements of Post-Authorization Decision Documents
  - Post-Authorization Change (PAC) Reports
  - Review and Approval Process
  - Implementation Documents


STOP